

**SUMMARY REPORT OF INVESTIGATION****I. EXECUTIVE SUMMARY**

Date of Incident:	October 7, 2015
Time of Incident:	3:40 am
Location of Incident:	[REDACTED] district male lock-up (3120 S. Halsted Street)
Date of COPA Notification:	October 7, 2015
Time of COPA Notification:	1:32 pm

After making a telephone call, arrestee/Reporting Party Victim [REDACTED] was physically attacked by Detention Aide [REDACTED]. This incident was captured on video by the surveillance cameras in the [REDACTED] district male lock-up.

**II. INVOLVED PARTIES**

Involved Officer #1:	[REDACTED] Employee [REDACTED] Date of Appointment, [REDACTED] 2012, Detention Aide, [REDACTED] District, Date of Birth, [REDACTED] 1974, Male, Black.
Involved Civilian #1:	[REDACTED] Date of Birth, [REDACTED] 1988, Male, Black.

**III. ALLEGATIONS**

Member	Allegation	Finding
Detention Aide [REDACTED]	1. Without justification, grabbed [REDACTED] by his neck and or throat, in violation of Rule 8.	Sustained/ 15 days
	2. Without justification, threw [REDACTED] against a wall, causing him to hit his head on the wall, in violation of Rule 8.	Sustained/ 15 days
	3. Without justification, threw [REDACTED] on the floor, in violation of Rule 8.	Sustained/ 15 days
	4. Failed to complete a Tactical Response Report regarding [REDACTED] in violation of Rule 6 and General Order G03-02-05(III)(A)(2).	Sustained/ 15 days

	5. Failed to immediately notify a supervisor that he had been involved in a use of force incident, in violation of Rule 6 and General Order G03-02-05(III)(A)(1).	Sustained/ 15 days

#### IV. APPLICABLE RULES AND LAWS

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##### Rules

1. **Rule 2:** Any action or conduct which impedes the Department's efforts to achieve it's policy and goals or brings discredit upon the Department.
  2. **Rule 6:** Disobedience of an order or directive, whether written or oral.
  3. **Rule 8:** Disrespect to or maltreatment of any person, while on or off duty.
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##### General Orders

1. **General Order G03-02-05-** Incidents Requiring the Completion of a Tactical Response Report.

**Section III A. (1)** requires that a Detention Aide will immediately notify their immediate supervisor that he or she has been involved in a use of force incident.

**Section III A. (2)** requires that a Detention Aide will complete a TRR when involved in a reportable use of force incident.

#### V.

#### INVESTIGATION<sup>1</sup>

##### a. Interviews

**Reporting Party Victim** [REDACTED] audio statement on May 15, 2018, via telephone. Mr. [REDACTED] is currently incarcerated at Kettle Moraine Correctional Institution in Plymouth, Wisconsin. Mr. [REDACTED] incarceration is not related to this investigation. Mr. [REDACTED] related while being processed at the [REDACTED] district male lock-up, he was involved in a physical altercation with Detention Aide [REDACTED] (D.A. [REDACTED]). After making a telephone call, Mr. [REDACTED] and D.A. [REDACTED] exchanged words. Mr. [REDACTED] does not recall the words exchanged between him and D.A. [REDACTED]. Suddenly, D.A. [REDACTED] grabbed Mr. [REDACTED] by his neck and slammed him against the wall; Mr. [REDACTED] believed D.A. [REDACTED] took him to the ground. Mr. [REDACTED] did not recall if D.A. [REDACTED] forced him to the floor. Mr. [REDACTED] could not defend himself from D.A. [REDACTED] due D.A. [REDACTED] height and size advantage, and the submission hold he was in.

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<sup>1</sup> COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

Thereafter, Mr. [REDACTED] was placed in a cell without further incident. Mr. [REDACTED] sustained a laceration to his lip, caused when D. A. [REDACTED] pushed him against a wall, and Mr. [REDACTED] inadvertently bit his lip. Mr. [REDACTED] lip was bleeding, but he did not seek any medical attention. Mr. [REDACTED] described his and D.A. [REDACTED] demeanors as agitated. However, Mr. [REDACTED] related that he did not do anything verbally or physically to provoke D.A. [REDACTED] to become physical with him. To the best of his recollection, Mr. [REDACTED] recalled being photographed by an Evidence Technician. Mr. [REDACTED] denied being under the influence of alcohol or drugs at the time of incident. A uniformed male white officer was present in lock-up and witnessed this incident. Upon being released from custody, Mr. [REDACTED] reported this incident to a Supervisor. Due to the time that has passed since this incident,<sup>2</sup> Mr. [REDACTED] was unable to provide any further details about this incident.<sup>3</sup>

IPRA conducted a stat interview with **Witness Officer [REDACTED]** on December 1, 2017. Per Officer [REDACTED] stat, Mr. [REDACTED] appeared to be agitated upon entering lock-up. Nonetheless, Mr. [REDACTED] was photographed and fingerprinted without incident. Mr. [REDACTED] was allowed to make a telephone call after being processed. During the telephone call Mr. [REDACTED] became visibly upset towards whomever he was speaking with, based on his use of profanity. Mr. [REDACTED] was informed that he could not use such language on a Department telephone. After his telephone call, Mr. [REDACTED] turned toward Officer [REDACTED] who was sitting behind a desk. Mr. [REDACTED] attempted to speak to Officer [REDACTED] but he did not have Officer [REDACTED] attention.

Moments later, Officer [REDACTED] heard a scuffling sound, and then witnessed D.A. [REDACTED] holding Mr. [REDACTED] against the wall by his collar. D. A. [REDACTED] then pushed Mr. [REDACTED] down onto his knees. As Mr. [REDACTED] attempted to stand to his feet, D.A. [REDACTED] restrained him. Officer [REDACTED] approached Mr. [REDACTED] and advised him to calm down, which he did. With the assistance of Officer [REDACTED] and D. A. [REDACTED] Mr. [REDACTED] was lifted to his feet and escorted to a cell without further incident.

D. A. [REDACTED] related to Officer [REDACTED] that Mr. [REDACTED] was becoming aggressive and that he had spit on him. Officer [REDACTED] did not witness Mr. [REDACTED] make any aggressive gesture toward D. A. [REDACTED]. Officer [REDACTED] related that Mr. [REDACTED] was "jaw jacking"<sup>4</sup> during the lock-up process. Officer [REDACTED] did not observe any injury to the involved parties. Officer [REDACTED] informed Sergeant [REDACTED] of the incident, but related to Sergeant [REDACTED] that the incident was minor. Officer [REDACTED] later learned that upon being bonded out, Mr. [REDACTED] filed a complaint against D. A. [REDACTED]<sup>5</sup>

**accused Detention Aide [REDACTED]** on May 18, 2018. D. A. [REDACTED] related that Mr. [REDACTED] was photographed and fingerprinted without incident. During and after a telephone call, Mr. [REDACTED] appeared to be irate. As Mr. [REDACTED] walked toward a desk where Officer [REDACTED] was sitting, D. A. [REDACTED] told Mr. [REDACTED] that he could not walk around in lock-up and do as he pleased. Mr. [REDACTED] was standing approximately five feet away from D. A. [REDACTED] when he began stating obscenities to him. Mr. [REDACTED] then walked toward

<sup>2</sup> Approximately 31 months

<sup>3</sup> Attachment 38

<sup>4</sup> Making statements to portray yourself as being a tough individual.

<sup>5</sup> Attachment 34

D.A. [REDACTED] in an aggressive manner. As Mr. [REDACTED] continued to talk to D. A. [REDACTED] saliva came from his mouth. The saliva contacted D. A. [REDACTED] on the face.

D.A. [REDACTED] grabbed Mr. [REDACTED] by his shirt collar with one hand and forcefully pushed down on Mr. [REDACTED] shoulder, forcing him to his knees. Officer [REDACTED] came from behind the desk and deescalated the situation by telling both parties to calm down. Officer [REDACTED] did not physically assist in any restraint of Mr. [REDACTED]. Mr. [REDACTED] was then placed in a cell without further incident. Prior to Mr. [REDACTED] making his telephone call, the rapport between Mr. [REDACTED] and D. A. [REDACTED] was good. Upon inquiry, D.A. [REDACTED] believes that Mr. [REDACTED] did not intentionally spit on him. D. A. [REDACTED] stated that he did not report this incident to a Supervisor because there were no punches thrown between himself and Mr. [REDACTED]. D.A. [REDACTED] did not sustain any injury.

D. A. [REDACTED] related that he did not complete a Tactical Response Report (TRR) because he was not trained to complete a TRR. This was D.A. [REDACTED] first physical encounter with an arrestee. Since speaking with his Supervisors, D.A. [REDACTED] acknowledged he should have completed a TRR regarding this incident. When questioned about the Use of Force Model and how he would categorize Mr. [REDACTED] based on his actions, D. A. [REDACTED] categorized Mr. [REDACTED] as "non-compliant."

D. A. [REDACTED] viewed the video from the [REDACTED] district male lock-up during his statement. Detention Aide. When questioned, D.A. [REDACTED] was unable to point out in the video when Mr. [REDACTED] approached him in an aggressive manner, his response was, "Based upon the video, it's not showing that he stepped to me, it was probably something verbal he said."<sup>6</sup>

#### b. Digital Evidence

Surveillance video from the [REDACTED] district lock-up station captured the incident between D.A. [REDACTED] and Mr. [REDACTED]

At approximately **0316 hours on the video**, Mr. [REDACTED] stood in front of the lock-up keeper's desk emptying the contents of his pockets onto a desk. Mr. [REDACTED] was then placed in a cell by D. A. [REDACTED] and Officer [REDACTED]

At approximately **0319 hours on the video**, Mr. [REDACTED] was removed from his cell by D.A. [REDACTED] who photographed and fingerprinted him.

At approximately **0323 hours on the video**, D.A. [REDACTED] directed Mr. [REDACTED] to a telephone, and Mr. [REDACTED] mad a telephone call.

At approximately **0327 hours on the video**, Mr. [REDACTED] appeared to terminate his telephone call and walked approximately three feet in the direction of Officer [REDACTED] who was seated behind a desk.

At approximately **0328 hours**, D.A. [REDACTED] appeared to say something to Mr. [REDACTED] who directed his attention back to D.A. [REDACTED] Mr. [REDACTED] turned around and walked back toward the

<sup>6</sup> Attachment 38, 39

telephone where D. A. [REDACTED] was standing nearby. D. A. [REDACTED] and Mr. [REDACTED] appeared to have a verbal exchange. Mr. [REDACTED] then appeared to turn his attention toward Officer [REDACTED] at which time D.A. [REDACTED] grabbed Mr. [REDACTED] by his neck, pushed him against the wall, causing the right side of Mr. [REDACTED] head/face to strike against the wall, and wrestled Mr. [REDACTED] to his knees. Officer [REDACTED] left from behind the desk, and assisted Mr. [REDACTED] to his feet. Officer [REDACTED] and D.A. [REDACTED] escorted and placed Mr. [REDACTED] in a cell.

### c. Documentary Evidence

In his **Initiation Report**, Sergeant [REDACTED] documented that Mr. [REDACTED] approached him and requested to file a complaint against D.A. [REDACTED]. Mr. [REDACTED] stated that D. A. [REDACTED] grabbed him by his neck, threw him against the wall, which also caused him to strike his head on the wall, and then threw him to the floor. Mr. [REDACTED] who was being bonded out at the time, refused to wait for an Evidence Technician to photograph him.<sup>7</sup>

According to the **Arrest Report**, Mr. [REDACTED] was charged with Possession of Cannabis. Officers observed Mr. [REDACTED] sitting in his vehicle in a gas station. Mr. [REDACTED] was slumped over in the driver's seat and loud music was coming from his vehicle. As officers approached Mr. [REDACTED] vehicle on foot, they smelled an odor of fresh cannabis inside the vehicle. Mr. [REDACTED] placed a brown cigarette on the gear shift of his vehicle. When officers inquired about what was in the brown cigarette, Mr. [REDACTED] responded, "It's just a little weed."

Knowing weed to be a street term for cannabis, officers placed Mr. [REDACTED] in custody and transported him to the [REDACTED] district station for processing. According to the Visual Check of Arrestee, there was no obvious pain or injury to Mr. [REDACTED] he did not appear to be under the influence of alcohol/drugs, and he did not appear to be irrational.<sup>8</sup>

A brown cigarette, containing green leafy substance, suspect cannabis was **Inventoried under** [REDACTED]

The **Original Case Incident Report** essentially relates the same narrative as the Arrest Report.<sup>10</sup>

An **Illinois Department of Correction Report of Extraordinary or Unusual Occurrences** categorized the incident between D.A. [REDACTED] and Mr. [REDACTED] as "Other, Detainees Excessive Force." Per the report, Mr. [REDACTED] sustained an injury to his head. The summary of the report essentially related the same narrative as the Initiation Report. In addition, Sergeant [REDACTED] related that he became aware of the allegations against D.A. [REDACTED] as Mr. [REDACTED] was being bonded out of lock-up.<sup>11</sup>

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<sup>7</sup> Attachment 4

<sup>8</sup> Attachment 5

<sup>9</sup> Attachment 15

<sup>10</sup> Attachment 7

<sup>11</sup> Attachment 19

To-From Report, Executive Officer [REDACTED] related that Sergeant [REDACTED] failed to complete the Illinois Department of Correction Report of Extraordinary or Unusual Occurrences in the required time frame, and therefore was admonished.<sup>12</sup>

The Supervisors Watch Incident Log for October 7, 2015, 1<sup>st</sup> and 2<sup>nd</sup> Watch, does not show any documentation of there being an Extraordinary or Unusual Occurrence in Lockup.<sup>13</sup>

## VI. ANALYSIS

COPA recommends a finding of **Sustained** for **Allegation #1** against Detention Aide [REDACTED] that without justification, he grabbed [REDACTED] by his neck and/or throat in violation of Rule 8. D.A. [REDACTED] denied the allegation but admitted to grabbing Mr. [REDACTED] by his shoulder. When Witness Officer [REDACTED] turned his attention to the incident, he observed D.A. [REDACTED] holding Mr. [REDACTED] by his collar. D.A. [REDACTED] justification for grabbing Mr. [REDACTED] by his shoulder was that Mr. [REDACTED] approached him in an aggressive manner, stated obscenities to him, and spit on him. Mr. [REDACTED] related that he did not do anything verbally or physically to provoke D.A. [REDACTED] to become physical with him.

The video evidence supports Mr. [REDACTED] account of the incident. Indisputably, the video shows D.A. [REDACTED] grab Mr. [REDACTED] about his neck and/or throat and does not show Mr. [REDACTED] approach D.A. [REDACTED] in an aggressive manner. As D.A. [REDACTED] viewed the video during his interview with COPA, was unable to point out when Mr. [REDACTED] approached him in an aggressive manner. D.A. [REDACTED] responded, "Based upon the video, it's not showing that [Mr. [REDACTED] stepped to me, it was probably something verbal he said]." D.A. [REDACTED] who vehemently related throughout his statement that Mr. [REDACTED] approached him in an aggressive manner, recanted his statement after viewing the video. D.A. [REDACTED] recant undermines his credibility and account of the incident.

The video does not have audio; therefore, it is unknown if Mr. [REDACTED] shouted obscenities toward D.A. [REDACTED]. D.A. [REDACTED] himself admitted that Mr. [REDACTED] did not intentionally spit on him. Based on the evidence gathered during this investigation, it is reasonable to categorize Mr. [REDACTED] actions as that of an Cooperative Subject. Therefore, D.A. [REDACTED] actions were not in compliance with the Use of Force Model, and he was without justification in grabbing Mr. [REDACTED] by his neck and or throat.

COPA recommends a finding of **Sustained** for **Allegation #2** against Detention Aide [REDACTED] without justification, threw [REDACTED] against a wall causing him to hit his head against the wall in violation of Rule 8. D.A. [REDACTED] denied the allegation. The video captured D.A. [REDACTED] grab Mr. [REDACTED] by his neck/throat, and then push Mr. [REDACTED] against the wall, which caused the right side of Mr. [REDACTED] head/face to strike against the wall. As established above, Mr. [REDACTED] was a Cooperative Subject, and D.A. [REDACTED] actions were not in compliance with the Use of Force Model. For the above reasons, D.A. [REDACTED] was without justification in throwing Mr. [REDACTED] against a wall and causing him to hit his head against the wall.

<sup>12</sup> Incident occurred on October 7, 2015, report not completed and faxed until October 15, 2015. Report required to be completed within 72 hours of incident. Attachment 20.

<sup>13</sup> Attachment 21

COPA recommends a finding of **Sustained** for **Allegation #3** against Detention Aide [REDACTED] without justification, threw [REDACTED] on the floor in violation of Rule 8. D.A. [REDACTED] related that he took Mr. [REDACTED] to the floor by grabbing and pushing down on Mr. [REDACTED] shoulder. Video shows that after D.A. [REDACTED] grabbed Mr. [REDACTED] by his neck and or throat, he pushed him against the wall which caused him to hit his head on the wall, D.A. [REDACTED] then grabbed Mr. [REDACTED] by his upper body and forcefully wrestled Mr. [REDACTED] to his knees. Mr. [REDACTED] was a Cooperative Subject, and D.A. [REDACTED] actions were not in compliance with the Use of Force Model. For the above reasons, D.A. [REDACTED] was without justification in throwing Mr. [REDACTED] on the floor.

COPA recommends a finding of **Sustained** for **Allegation #4** that D.A. [REDACTED] failed to immediately notify a supervisor that he had been involved in a use of force incident. D.A. [REDACTED] stated that he did not inform a Supervisor of his use of force incident with Mr. [REDACTED] because he did not feel that it was warranted. D.A. [REDACTED] stated there were no punches thrown by either party, and that after the incident, there was no further interaction between himself and Mr. [REDACTED]. Also, D.A. [REDACTED] related that was unaware of the General Order pertaining to this incident, because he has not received any training on the General Order. D.A. [REDACTED] must be held accountable for being knowledgeable of the Department Rule and Regulations and General Orders, knowingly the ones that pertain to his position as a Detention Aide. General Order G03-02-05, Section III A. (1) plainly requires that a Detention Aide will immediately notify their immediate supervisor that he or she has been involved in a use of force incident. The evidence clearly established that D.A. [REDACTED] was required to immediately notify a supervisor following his physical altercation with Mr. [REDACTED].

COPA recommends a finding of **Sustained** for **Allegation #5**, that D.A. [REDACTED] failed to complete a Tactical Response Report regarding [REDACTED] in violation of Rule 6 and General Order G02-02-05. D.A. [REDACTED] explanations that he never received training on a Tactical Response Report (TRR) during his time at the academy, nor was he instructed to complete a Tactical Response Report regarding this incident are not persuasive. D.A. [REDACTED] is responsible for being knowledgeable of the Department Rules and Regulations and General Orders that pertain to his position as a Detention Aide. General Order G03-02-05, Section III A. (2) plainly required that a Detention Aide will complete a TRR when involved in a reportable use of force incident. D.A. [REDACTED] failure to report the incident to a Supervisor as required, cannot be used as justification for failing to complete the TRR. The evidence clearly established that D. A. [REDACTED] was required to document his use of force towards Mr. [REDACTED] in a TRR.

**VII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS****a. Detention Aide [REDACTED]****i. Complimentary and Disciplinary History****Complimentary History**

Complimentary Letter	2
NATO Summit Service Award	1

**Disciplinary History**

Detention Aide [REDACTED] does not have any disciplinary history relevant to the allegations in this investigation. In June 2018 he was received a one-day suspension for Indebtedness to the City.

**ii. Recommended Penalty, by Allegation****1. Allegation No. 1.**

Detention Aide [REDACTED] used unnecessary force when without justification he grabbed [REDACTED] by his neck and/or throat in violation of Rule 8.

**2. Allegation No. 2.**

Detention Aide [REDACTED] used unnecessary force when without justification he threw [REDACTED] against a wall, causing him to hit his head on the wall in violation of Rule 8.

**3. Allegation No. 3.**

Detention Aide [REDACTED] used unnecessary force when without justification he threw [REDACTED] on the floor in violation of Rule 8.

**4. Allegation No. 4.**

Detention Aide [REDACTED] failed to notify his supervisor that he had been involved in a Use of Force incident as required by G.O. 03-02-05, in violation of Rule 6.

**5. Allegation No. 5.**

Detention Aide [REDACTED] failed to complete a Tactical Response Report as required by G.O. 03-02-05, in violation of Rule 6.

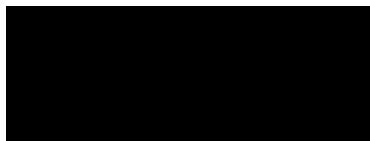
Accordingly, COPA recommends a 15 day suspension for this incident.

## V. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

Member	Allegation	Finding
Detention Aide [REDACTED] [REDACTED]	<ol style="list-style-type: none"><li>1. Without justification, grabbed [REDACTED] by his neck and or throat, in violation of Rule 8, Disrespect to or maltreatment of any person, while on or off duty.”</li><li>2. Without justification, threw [REDACTED] against a wall, causing him to hit his head on the wall, in violation of Rule 8, Disrespect to or maltreatment of any person, while on or off duty.”</li><li>3. Without justification, threw [REDACTED] on the floor, in violation of Rule 8, Disrespect to or maltreatment of any person, while on or off duty.”</li><li>4. Failed to complete a Tactical Response Report regarding [REDACTED] in violation of Rule 6, “Disobedience of an order or directive, whether written or oral.”</li><li>5. Failed to immediately notify a Supervisor that you had been involved in a use of force incident, in violation of Rule 6, “Disobedience of an order or directive, whether written or oral.”</li></ol>	Sustained 15 days

Approved:



January 15, 2019

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*Andrea Kersten*  
*Deputy Chief Administrator – Chief Investigator*

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Date

**Appendix A**

Assigned Investigative Staff

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<b>Squad#:</b>	[REDACTED]
<b>Investigator:</b>	[REDACTED]
<b>Supervising Investigator:</b>	[REDACTED]
<b>Deputy Chief Administrator:</b>	Andrea Kersten